

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ROBERT L. KOEPKE,

Plaintiffs,

vs.

ITC SERVICE GROUP,

Defendant.

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SA-23-CV-00552-XR

ORDER

Before the Court in the above-styled cause of action is Plaintiff's Application to Proceed in District Court without Prepaying Fees or Costs [#1], which was automatically referred to the undersigned for disposition. The undersigned therefore has authority to enter this order pursuant to 28 U.S.C. § 636(b)(1)(A). By his motion, Plaintiff seeks leave to proceed *in forma pauperis* ("IFP") based on an inability to afford court fees and costs. Having considered the motion and documentation provided by Plaintiff, the Court will grant the motion to proceed IFP and order service of Plaintiff's Complaint.

All parties instituting any civil action, suit, or proceeding in a district court of the United States, except an application for a writ of habeas corpus, must pay a filing fee of \$350, as well as an administrative fee.¹ See 28 U.S.C. § 1914(a). Plaintiff's motion to proceed IFP includes his income and asset information, which indicates that Plaintiff does not have sufficient monthly

¹ The administrative fee, which is currently \$50, is waived for plaintiffs who are granted IFP status. See *District Court Miscellaneous Fee Schedule*, available at <http://www.uscourts.gov/services-forms/fees/district-court-miscellaneous-fee-schedule>.

resources available to pay the filing fee. The Court will therefore grant the motion to proceed IFP.

Pursuant to the Court's October 8, 2019 Standing Order, the undersigned has reviewed Plaintiff's proposed Complaint for frivolousness pursuant to 28 U.S.C. § 1915(e). Plaintiff's proposed Complaint is 53 pages long. (Proposed Compl. [#1-1].) Attached to Plaintiff's proposed Complaint is an additional almost 40 pages of exhibits. Plaintiff's Complaint generally alleges that Defendant offered him employment on November 22, 2021, but the offer was rescinded due to Plaintiff's refusal to obtain a COVID-19 vaccination. Plaintiff claims the rescission of his employment offer constitutes religious discrimination in violation of Title VII, among other statutory violations. Plaintiff's proposed Complaint [#1-1] may assert at least one non-frivolous claim. However, the pleadings are too long and cumbersome to discern the relevant factual allegations and the theories of each of Plaintiff's causes of action. Therefore, prior to serving Defendant with this lawsuit, the Court will order Plaintiff to amend his pleading.

Rule 8 of the Federal Rules of Civil Procedure governs pleadings in federal court and dictates that a claim for relief must contain a "short and plain" statement of the claim showing that the pleader is entitled to relief. Plaintiff must replead and file a complaint of 10 pages maximum. This complaint should only include those factual allegations (not summaries of historical events or the law) personal to Plaintiff's claims and should specify the precise causes of action Plaintiff intends to pursue in this case. A failure to adhere to the page limits set forth herein could subject Plaintiff's case to dismissal for failure to follow a court order.

IT IS THEREFORE ORDERED that Plaintiff's Application to Proceed in District Court without Prepaying Fees or Costs [#1] is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff's Complaint shall be filed by the Clerk without prepayment of fees, costs or the giving of security therefore, and the Clerk shall, until further Order of this Court, waive the collection of any other fees or costs from Plaintiff. Service upon Defendant should be withheld pending this Court's review under § 1915(e).

IT IS FURTHER ORDERED that on or before **June 2, 2023**, Plaintiff shall file a **More Definite Statement** of the claims he seeks to present to this Court. Plaintiff is reminded to keep his statement "**short and plain,**" detailing only the facts relevant to his claims. *See* Fed. R. Civ. P. 8(a)(2).

SIGNED this 12th day of May, 2023.



ELIZABETH S. ("BETSY") CHESTNEY
UNITED STATES MAGISTRATE JUDGE